

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN**

UNITED STATES OF AMERICA,

Plaintiff,

v.

TODD A. DYER,

Defendant.

Case No. 15-CR-115-1-JPS

ORDER

The Court of Appeals for the Seventh Circuit has appointed counsel for Defendant for purposes of his appeal in this matter. Despite this, and although his appeal is still pending, Defendant has filed a motion *pro se* requesting the release of grand jury transcripts. (Docket #272). He alleges that the government did not produce the transcripts as ordered prior to trial and that he needs them to prepare his motion for postconviction relief. *Id.* The government opposes the request. (Docket #273).

The Court must deny Defendant's motion. First, the Court probably lacks jurisdiction to entertain it because of the pending appeal, even though it pertains to Defendant's forthcoming motion for postconviction relief. *See United States v. Brown*, 732 F.3d 781, 787 (7th Cir. 2013). As far as the Court is aware, a motion like Defendant's has not been recognized as an "ancillary issue" which this Court may address despite the appeal. *See id.*

Second, assuming that the Court has jurisdiction, the request is without merit. Defendant does not say what transcripts he was provided or what transcripts he believes he is missing, and he has not challenged

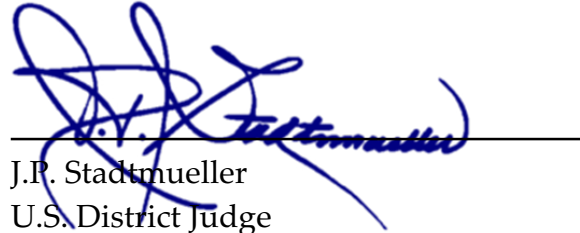
the government's proffer that it produced all the required transcripts. *See* (Docket #273 at 4). Indeed, Defendant filed a nearly identical motion in late 2016, and the Court denied it for similar reasons—that is, Defendant's conclusory request did not warrant the order he sought. *See* (Docket #182 at 8 n.1). Thus, the motion must be denied at this time.

Accordingly,

IT IS ORDERED that Defendant's motion for the release of grand jury transcripts (Docket #272) be and the same is hereby **DENIED**.

Dated at Milwaukee, Wisconsin, this 9th day of January, 2018.

BY THE COURT:



J.P. Stadtmueller
U.S. District Judge